

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 22, 2005

DIVISION ONE

B180799 People (Not for Publication)
v.
Jones

The judgment is modified by striking the 10-year sentence imposed for the gang benefit enhancement (§ 186.22) and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

B182606 People (Not for Publication)
v.
Johnson

The judgment is modified by staying the concurrent sentences imposed on counts 1 (8 years), 6 (8 years), 12 (8 years) and 16 (2 years, 8 months) and, as modified, affirmed and remanded to the trial court with directions to issue a corrected abstract of judgment and forward it to the Department of Corrections.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Rothschild, J.

We concur: Spencer, P.J.
Rothschild, J.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION ONE (Continued)

B177822 Harold D. Register, Jr. (Not for Publication)
 v.
 Elizabeth Prudhomme

The judgment is affirmed insofar as it confirms the validity of Bernard Register's holographic will; in all other respects, the judgment is reversed and the cause is remanded to the trial court with directions to enter a new judgment (1) denying all relief requested by Elizabeth Prudhomme, (2) terminating the special administrator's appointment forthwith, (3) naming Harold Register, Jr., as executor of Bernard Register's estate, and (4) awarding costs to Harold Register, Jr. Harold Register, Jr. is awarded his costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
 Mallano, J.

B175089 People (Not for Publication)
 v.
 Monica Diaz

Defendant's conviction of attempted premeditated murder (count 5) and the multiple murder special circumstances found in conjunction with defendant's murder convictions (counts 1 through 4) are reversed. In all other respects, the judgment is affirmed.

Mallano, J.

We concur: Spencer, P.J.
 Rothschild, J.

B175822 Amwest Surety Insurance Co.
 v.
 Patriot Homes, Inc., et al.

Filed order certifying opinion for publication.

December 22, 2005 (Continued)

DIVISION ONE (Continued)

B179659 People (Not for Publication)
v.
Richard Daniel Ayala

The judgment is affirmed.

Rothschild, J.

We concur: Spencer, P.J.
Vogel (Miriam A.), J.

B178671 People (Not for Publication)
v.
Brandon G.

The order of wardship is affirmed.

Rothschild, J.

We concur: Mallano, Acting P.J.
 Vogel (Miriam A.), J.

DIVISION TWO

B176380 Blue (Not for Publication)
v.
Pasadena Unified School District

The judgment is reversed. The matter is remanded to the trial court for an entry of judgment in favor of the District. Each side to bear its own costs on appeal.

Doi Todd, J.

I concur: Boren, P.J.
I dissent: Ashmann-Gerst, J.

December 22, 2005 (Continued)

DIVISION FOUR

B183670 People v. Riddle (Not for Publication)

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Willhite, J.

B176979 People (Not for Publication)
v.
Ray

The judgment is affirmed.

Willhite, J.

We concur: Epstein, P.J.
Hastings, J.

B173182	People v. Clark
B180650	In re Lamond Dejon Clark on Habeas Corpus

Filed order denying petition for rehearing.

DIVISION FIVE

B183196 Muneaki Okuyama
v.
Marilee Larivee

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed May 17, 2005) dismissed.

December 22, 2005 (Continued)

DIVISION FIVE (Continued)

B185408 Kenneth Davis
B187251 v.
Robert Bosch Tool Group

Filed order consolidating above captioned appeals.

DIVISION SIX

B177649 People (Not for Publication)
v.
Valdivia

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

B179813 People (Not for Publication)
v.
Raymundo

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION EIGHT

B180870 Los Angeles County, D.C.S. (Not for Publication)
v.
Darron N.,
In re Mary N., a Person Coming Under the Juvenile Court Law.

For the reasons set forth above, the order is affirmed insofar as it sustained the petition under section 300, subdivisions (b), however, the matter is remanded for the court to hold proceedings to clarify the record as to the factual findings supporting that count. The order is affirmed to the extent the court dismissed the petition under subdivision (i). The order is reversed insofar as the court dismissed any allegations under subdivisions (a) and (d), for the limited purpose of allowing the court to prepare a new order which states with better clarity both its rationale and its ruling.

Rubin, J.

We concur: Cooper, P.J.
 Boland, J.

B187058 Michelle M., (Not for Publication)
v.
Superior Court, Los Angeles County
(Los Angeles County Department of Children & Family Services, r.p.i.)

The order terminating reunification services is affirmed. Let a peremptory writ of mandate issue, directing the respondent juvenile court to (1) vacate its order setting a section 366.26 hearing, and (2) issue a new order directing DCFS to give proper notice under the ICWA. If, after receiving notice, no tribe intervenes, the juvenile court shall reinstate the order; otherwise that shall remain vacated. No termination of parental rights hearing (§366.26) shall be held except pursuant to this disposition. This opinion is final forthwith as to this court pursuant to rule 24(b) (3) of the California Rules of Court.

Flier, J.

We concur: Rubin, Acting P.J.
 Boland, J.

December 22, 2005 (Continued)

DIVISION EIGHT (Continued)

B181738 People (Not for Publication)
v.
Jerome Hendrix

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.

B173670 People (Not for Publication)
v.
Taylor, et al.

The judgment is affirmed.

Cooper, P.J.

We concur: Rubin, J.
Boland, J.